IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4752 OF 2005

Shri.Chandramohan Bhagwansingh
and Ors. ..Applicants

Vs.

Smt.Sheetal Chandramohal
Singh and Anr. ..Respondents

...
Ms.N.J.Asrani Advocate for Applicants
Ms.Helen Joshi for Respondent no.1
Mr.S.R.Shinde A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : SEPT. 1,2005

P.C.

1. Heard the learned advocate for the applicants-original accused, learned advocate for the respondent no.1-complainant and the learned A.P.P. for the State. The complainant is present before the Court.

2. The applicants are seeking quashing of Criminal Case No.16/PW/2004 filed by Respondent no.1 against them. The said case is under Sections 498-A, 406 r.w. 34 of IPC. The said matter is pending before the Court of learned Chief Metropolitan Magistrate,

Mobile Court, Andheri (E), Mumbai.

3. It is stated by the learned advocate for the respondent no.1 i.e. original complainant that dispute has been amicably settled between the parties and the parties have entered into consent terms. The consent terms are part of the decree passed by the VIth Family Court, Mumbai. The learned advocate for the respondent no.1 states that as the dispute has been amicably settled between the parties & in view of the consent terms, the complainant does not wish to pursue her complaint and thus, the case may be quashed. An affidavit of the respondent-original complainant has also been tendered to the above effect which is taken on record and marked ‘X’ for identification.

4. The learned counsel for the applicants submits that in view of the settlement, the case ought to be quashed. Reliance is placed on various decisions of the Supreme Court and this Court wherein when the parties have amicably settled the dispute, the proceedings in those cases have been quashed. Reliance is placed on the following

decisions:

1) **B.S.Joshi Vs. State of Haryana, AIR 2003 SC 1386;**

2) **Fahimuddin Vs. State of U.P. AIR 1981 SC 2008(3);**

3) **Judgment of the Division Bench of this Court in Cri.W.P.No.1672 of 2002 dated 20.12.2002 [Alan Douglas Grant Vs. State of Mah.]**

4) **Order dated 27.3.2001 passed by His Lordship Mr.Justice S.S.Parkar in Cri.W.P.No.366 of 2001.**

3. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that complainant does not wish to pursue her complaint, I am of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, proceedings i.e. C.C.No.16/PW/2004 pending before the learned Addl. Chief Metropolitan Magistrate, Mobile Court Andheri, Mumbai are quashed. The bail bonds of the applicants-accused shall stand cancelled.

4. Application is disposed of.

5. Certified copy expedited.

[V.K.TAHILRAMANI,J.]